

**Application No. 10/025,316****Attorney Docket No. COR-001-US****Amendment dated 17 August 2005****Reply to Office Action dated 17 February 2005****Remarks**

Applicant respectfully requests consideration of the instant application in view of the following remarks.

***Claim Status***

Claims 1-43 are pending in the application.

Claims 1-13 and 23-43 stand rejected under under 35 U.S.C. § 102(b) as being anticipated by Bob Gogligoski et al., "The SanDisk Personal Tag (P-TAG™): Background Applications Report", October 1999, 4 pages, cited by Applicant.

Claims 14 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gogligoski et al. in view of David Forslund, "TelMed Introduction", 8/19/2000. (The Examiner had listed the publication date to be 08/15/02, after the filing date of the instant application. Applicant had cited a document by Forslund of the same title, but published on 8/19/2000. Applicant respectfully assumes this to be the document to which the Examiner has referred in rejecting claims under 35 U.S.C. § 103(a)).

Claims 15-19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections Under 35 U.S.C. § 102(b)***

Claims 1-13 and 23-43 stand rejected under under 35 U.S.C. § 102(b) as being anticipated by Bob Gogligoski et al., "The SanDisk Personal Tag (P-TAG™): Background Applications Report", October 1999, 4 pages, cited by Applicant.

**Regarding claims 1, 23, 33 and 40**, Applicant respectfully submits that Gogligoski et al. neither discloses nor suggests all of the elements and limitations of claims 1, 23, 33 and 40, and therefore is not a proper references under 35 U.S.C. § 102(b). Furthermore, Applicant respectfully submits that the Examiner has not properly interpreted Gogligoski et al. in view of the instant application, but instead, has used improper hindsight reasoning to reject claims 1, 23, 33 and 40.

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Applicant respectfully submits that, as best understood, Gogligoski et al. does not disclose or suggest the following elements of claims 1, 23, 33 and 40:

**Client-server communication (claims 1, 23, 33 and 40):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest communications between a client and a server. The controller on board the P-TAG, referred to by the Examiner, is part of the portable memory element. All of the examples cited by the Examiner illustrated communications between the P-TAG and a client (e.g. host computer) with the person effecting the communications (e.g. authorized health care staff, emergency services personnel, medics) being the users of the client, in accordance with the teachings of the instant application.

**First passkey from server to client (claims 1, 23, 33 and 40):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest a first passkey that is provided by the server to the first client. Applicant respectfully submits that the Examiner has improperly referred to the serial number as a passkey. In accordance with the teachings of the instant application, the serial number could be used as a passcode, but would not be used as a passkey.

**Communication with a second client (claims 1, 23, 33 and 40):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest a communication with a second client. Instead, as best understood, Gogligoski et al. discloses no more than one client which is used by a user. Applicant respectfully submits that the Examiner has improperly characterized the authorized health care staff as a second client, when in fact, these personnel would be an example of a user of a first client, wherein the first client would be adapted to interface with the portable memory element (e.g. P-TAG).

**Second passkey from second client to server (claim 1):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest providing for a server to receive a second passkey from a second client. In accordance with the teachings of the instant application, Applicant respectfully submits that the medics and emergency services personnel referred to by the Examiner would be examples of users of a first client, wherein the first client would be adapted

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to interface with the portable memory element (e.g. P-TAG); not examples of second clients.

**Communication of information with second client (claims 33, 40):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest providing for communicating information via a communication interface with an at least one second client computer system in communication with a server.

**Communications Interface with another computer (claim 33):** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest a communications interface operatively connected to both a first computer and to at least one other computer, wherein the first computer is adapted to communication with the portable memory element.

Applicant respectfully submits that the Gogligoski et al. neither discloses nor suggests the elements and limitations of claims 1, 23, 33 and 40. Because of this, Applicant respectfully submits that claims 1, 23, 33 and 40 are distinguished from Gogligoski et al., and that the rejections under 35 U.S.C. § 102(b) of claims 1, 23, 33 and 40 are improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1, 23, 33 and 40 in view of the above argument.

Claims 2-13 each depend upon claim 1; claims 24-32 each depend upon claim 23; claims 34-39 each depend upon claim 33; and claims 41-43 each depend upon claim 40. Accordingly, Applicant respectfully submits that if the above argument regarding the novelty of claims 1, 23, 33 and 40 in view of Gogligoski et al. is accepted, then claims 2-13, 24-32, 34-39 and 41-43 are also distinguished from Gogligoski et al. because the addition of further limitations to an already novel claim does not negate novelty. Applicant respectfully requests reconsideration and allowance of claims 2-13, 24-32, 34-39 and 41-43 in view of the above argument in respect of claims 1, 23, 33.

**Furthermore, regarding claims 2 and 25,** Applicant respectfully submits that Gogligoski et al. does not disclose or suggest a method of providing for communications between a client and a server comprising providing for encrypting the transmitted signals and decrypting the received signals, wherein the client is adapted to communicate with the portable

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memory element. As best understood, the Examiner's following characterization of Gogligoski et al., refers to encryption of communications between the portable memory element (P\_TAG) and the client or computer interfaced therewith, and not to communications between the client or computer interfaced with the portable memory element, and a server:

"flash memory of P-Tag encrypts sensitivity data of the serial number that is used as part of a key, and on board microcontroller provides the interface between the host system and the low-power flash memory for decrypting receive signal" see P-Tag Technology.

Furthermore, regarding claims 10 and 32, Applicant respectfully submits that Gogligoski et al. does not disclose or suggest the identification of a level of authority of a client, and the control of access to data in the portable memory element (e.g. P-TAG) responsive to the level of authority.

Furthermore, regarding claims 11, 12 and 24, Applicant respectfully submits that Gogligoski et al. does not disclose or suggest the operation of a first user associated with a first client to providing a first passkey to at least one second user associated with at least one second client so that the at least one second user can provide the second passkey that corresponds to the first passkey (claims 11 and 24), or providing for encrypting signals sent to the second client and decrypting those signals received by the second client (claim 12). The medical emergency personal referred to by the Examiner would constitute a possible first user who would be in communication with the P-TAG, but Gogligoski et al. appears to be silent as to a possible second user in communication with the first user.

Furthermore, regarding claim 13, Applicant respectfully submits that Gogligoski et al. does not disclose or suggest the operation of providing for enabling at least one second client either to read information from, or to record information to, the portable memory device if a second passkey corresponds to a first passkey. Instead, as best understood, Gogligoski et al. appears to disclose only one user in communication with the portable memory device at any given time.

Furthermore, regarding claims 35-37, Applicant respectfully submits that Gogligoski et al. does not disclose or suggest a communications interface between a first computer and another computer, a communications interface operatively connected to a computer network, a

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communications interface connected to the Internet, or a communications interface comprising a wireless communication device, wherein the first computer is adapted to communicate with the portable memory element.

Applicant respectfully submits that the Gogligoski et al. neither discloses nor suggests the elements and limitations of claims 2, 10-13 24-25, 32 and 35-57. Because of this, Applicant respectfully submits that claims 2, 10-13 24-25, 32 and 35-57 are distinguished from Gogligoski et al., and that the rejections under 35 U.S.C. § 102(b) of claims 2, 10-13 24-25, 32 and 35-57 are improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 2, 10-13 24-25, 32 and 35-57 in view of the above argument.

***Claim Rejections Under 35 U.S.C. § 103(a)***

Claims 14 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gogligoski et al. in view of David Forslund, "TelMed Introduction", 8/19/2000.

Regarding claim 20, Applicant respectfully submits claim 20 is distinguished from Gogligoski et al. for the same reasons given hereinabove as for claim 1, and Forslund does not disclose or suggest those elements and limitations that are neither disclosed nor suggested by Gogligoski et al. Furthermore, there is no disclosure or suggestion by Gogligoski et al. to provide for communication between a first client and a server, wherein the first client is in communication with the portable memory element (P-TAG). Accordingly, Applicant respectfully submits that the Examiner has not provided any motivation from Gogligoski et al. or Forslund that would lead one of ordinary skill in the art to combine their teachings. Accordingly, Applicant respectfully submits that neither Gogligoski et al. nor Forslund, alone or in combination, are proper references under 35 U.S.C. § 103(a) in respect of claim 20. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 20 in view of the above argument.

Similarly, regarding claim 14, Applicant respectfully submits that the Examiner has not provided any motivation from Gogligoski et al. or Forslund that would lead one of ordinary skill in the art to combine their teachings, so that the rejection of claim 14 is not proper.

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Claim 14 depends upon claim 1; claims 21 and 22 each depend upon claim 20. Accordingly, Applicant respectfully submits that if the above arguments regarding the novelty of claim 1, and the non-obviousness of claim 20 in view of Gogligoski et al. and Forslund is accepted, then claims 14, 21 and 22 are also distinguished from Gogligoski et al. and Forslund, alone or in combination, because the addition of further limitations to an already novel and non-obvious claim does not negate novelty. Applicant respectfully requests reconsideration and allowance of claims 14, 21 and 22 in view of the above argument.

Furthermore, regarding claim 22, Applicant respectfully submits that neither Gogligoski et al. nor Forslund, alone or in combination, disclose or suggest the operation of providing for enabling at least one second client either to read information from, or to record information to, the portable memory device if a second passkey corresponds to a first passkey. Instead, as best understood, Gogligoski et al. appears to disclose only one user in communication with the portable memory device at any given time. Applicant respectfully submits that neither Gogligoski et al. nor Forslund, alone or in combination, disclose or suggest the elements and limitations of claim 22. Because of this, Applicant respectfully submits that claim 22 is distinguished from Gogligoski et al. and Forslund, and that the rejections under 35 U.S.C. § 103(a) of claim 22 is improper. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 22 and 35-57 in view of the above argument.

**Extension of Time and Payment of Fees Under 37 CFR § 1.17(a)(3)**

**Authorization to Charge Fee Deficiencies**

Applicant hereby petitions for a Three-Month Extension of Time, pursuant to 37 C.F.R. § 1.136, extending the deadline for response up to and including 17 August 2005, resulting in an associated fee of \$510 under 37 C.F.R. § 1.17(a)(3). A Credit Card Payment Form in the amount of \$510 is enclosed herewith for payment of the fee under 37 C.F.R. § 1.17(a)(3). The Commissioner is authorized to charge any deficiencies or credit any overpayments – that cannot otherwise be made to the credit card – to Deposit Account 04-1131.

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**Summary and Conclusions**

The claim rejections have been traversed. Applicant respectfully submits that no new matter has been added by this amendment. Applicant respectfully submits that the instant application is now in the proper form for Notice of Allowance, and respectfully requests a timely issuance thereof in this application.

Respectfully Submitted,



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